



Little Traverse Bay Bands of Odawa Indians  
7500 Odawa Circle, Harbor Springs, MI 49740  
Council Chambers  
Land and Reservation Committee  
February 14, 2020

Call to order: **9:18 a.m.**

Committee Member Roll Call: Legislative Leader Emily Proctor, Councilor Fred Kiogima

Tribal Council Absent: Treasurer Marcella Reyes

Legislative Staff Present: Legislative Services Attorney Donna Budnick, Senior Financial Analyst Rachel Cope, General Counsel Jim Bransky, Tribal Historic Preservation Officer Melissa Wiatrolik, Legislative Administrative Assistant Linda Gokee

Executive Staff/Official Present: Environmental Response Specialist Traven Michaels, Human Resources Director Denise Petoskey, GIS Director Alan Proctor, Natural Resources Director Doug Craven, Environmental Services Manager Caroline Moellering, Planning Director Amanda Swiss, Unit II Executive Director Daugherty "Duffy" Johnson, Unit I Executive Director Phil Harmon, Tribal Chair Regina Gasco Bentley

Judicial Staff/Official Present: none

Guests: none

Public: none

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**Motion** made by Legislative Leader Emily Proctor and supported by Councilor Fred Kiogima to adopt the agenda for February 14, 2020 as presented.

Vote: 2 – Yes, 0 – No, 0 – Abstain, 1 – Absent (Treasurer Marcella Reyes)

Motion carried.

### **Phone Polls:**

**-12/12/19 Reason for Phone Poll #1:** Motion to approve the amended site plan for Murray Road property dated December 4, 2019.

Phone Poll Vote: 3 Yes, 0 No, 0 Abstained, 0 Absent

Comments: None

Motion carried.

**-12/12/19 Reason for Phone Poll #2:** Motion to recommend to Tribal Council to approve Certified Motion Designation and Assignment of Murray Road, Charlevoix, Michigan Land Parcel.

Phone Poll Vote: 3 Yes, 0 No, 0 Abstained, 0 Absent

Comments: None

Motion carried.

**-12/12/19 Reason for Phone Poll #3:** Motion to recommend to Tribal Council to approve Certified Motion Assignment of Cemetery Road Property, Petoskey, Michigan.  
Phone Poll Vote: 3 Yes, 0 No, 0 Abstained, 0 Absent  
Comments: None  
Motion carried.

## **New Business**

### **Discussion:** Demolition Policy

- Review & enforce policy
- There are currently no policy or regulations in place
- Make sure due diligence is followed
- Create check list
- Waste Management Plan
- Review Best Practices for demolition plan on what should be in the policy
- Suggest Environmental Response Specialist Traven Michaels be involved in the draft stage.

### **Discussion:** Site Plans

- Footprint of White-house and Nicolet Street brought forth by Holding Corporation
- Issues with Law Enforcement and Natural Resources Department Wetland Regulations.
- The Executive Brance has issued an order for her staff not to engage with any dealings with Lume. Can this be confirmed?
- Conservation Officers will enforce NRD Regulations.
- The Tribe does not have a National Environmental Act, or issue THPO permits. There is nothing in writing to direct the steps.

**9:51 a.m.** Break

**10:01 a.m.** Resume

Continued discussion on Site Plans.

- Planning Director has had no input on either site plans.

### **Discussion:** Strategic plan

- Current plan is outdated. Need volunteers to update as this will ensure this will meets our needs

### **Discussion:** Assignment of Murray and Cemetery Roads for Hunting

- Safety zone requires 450 feet from any dwelling.
- Planning feels it's a safety issue.
- Safety perspective, municipal restrictions, and will eliminating a few deer solve the issue?

Continued discussion on Site Plans

- Tribal Chair Regina Gasco Bentley has confirmed she has told her staff they can't have any dealings with the Lume leases on trust property as this could jeopardize federal funding. General Counsel Jim Bransky suggests sitting down with funders to discuss interpretation of the law and 638 BIA funding. In terms of health and safety, perhaps law enforcement should continue patrolling. More discussions are needed with State of Michigan officials.

**Motion** made by Councilor Fred Kiogima and supported by Legislative Leader Emily Proctor to table the recommendation to Tribal Council to approve site plan for 1345 US 31 North, Petoskey, Emmet County, State of Michigan, dated October 2, 2019.

Vote: 2 – Yes, 0 – No, 0 – Abstain, 1 – Absent (Treasurer Marcella Reyes)

Motion carried.

**Motion** made by Councilor Fred Kiogima and supported by Legislative Leader Emily Proctor to table the recommendation to Tribal Council to approve site plan for 1020 S. Nicolet Street in the Village of Mackinaw City, Emmet County, State of Michigan, dated November 18, 2019.

Vote: 2 – Yes, 0 – No, 0 – Abstain, 1 – Absent (Treasurer Marcella Reyes)

Motion carried.

Continued discussion on Hunting

- Narrow it to a limited group of persons with certain qualifications or Natural Resources Departmental staff only.
- Permit and process for crop deprivation.
- Certified Motion's 121919-09 and 121919-10 will be rewritten to include specific language.

#### **Old Business:**

#### **Discussion:** Pre and post Land Acquisition Checklist

- Pre-offer
  - Planning Department site review
  - Natural Resources Department quick review but not an official Environmental Phase I
  - GIS mapping
  - Tribal Historic Preservation Officer survey
  - Land and Reservation Committee will then decide to bring forward to Tribal Council
  - Council may decide to send to Appropriations and Finance Committee
  - Appropriations and Finance Committee may direct General Counsel Jim Bransky to pursue
  - Appraisal process begins.
- Post offer
  - Clear title. No encroachment or easment issues
  - Building inspection by independent contractor and safety inspection to be completed by Safety Coordinator.
  - Trust land applications
- Time frames
  - Pre-offer due diligence 7-14 days
  - Post offer is dependent on building inspections and Environmental Assessment, typically 20-30 days
  - Legal Department would be presenting the final report.
- Who acquires land? A policy needs to be implemented to include other Tribal sub-entities.

#### **Closed Session:**

**11:20 a.m. Motion** made by Councilor Fred Kiogima and supported by Legislative Leader Emily Proctor to Enter into Closed Session for Land.

Vote: 2 – Yes, 0 – No, 0 – Abstain, 1 – Absent (Treasurer Marcella Reyes)

Motion carried.

**11:45 a.m. Motion** made by Legislative Leader Emily Proctor and supported by Councilor Fred Kiogima to return to Open Session.

Vote: 2 – Yes, 0 – No, 0 – Abstain, 1 – Absent (Treasurer Marcella Reyes)

Motion carried.

**Motion** made by Legislative Leader Emily Proctor and supported by Councilor Fred Kiogima to assign Land Parcel #126.

Vote: 2 – Yes, 0 – No, 0 – Abstain, 1 – Absent (Treasurer Marcella Reyes)

Motion carried.

**Motion** Councilor Fred Kiogima and supported by Legislative Leader Emily Proctor to recommend to Tribal Council to assign Land Parcel #126 to Odawa Economic Development Management, Inc. for the purpose of possibly pursuing as economic development.

Vote: 2 – Yes, 0 – No, 0 – Abstain, 1 – Absent (Treasurer Marcella Reyes)

Motion carried.

### **Public Comment**

**11:48 a.m.** Open

- No Comments

**11:49 a.m.** Closed

**Motion** made by Councilor Fred Kiogima and supported by Legislative Leader Emily Proctor to table the Minutes of December 6, 2019.

Vote: 2 – Yes, 0 – No, 0 – Abstain, 1 – Absent (Treasurer Marcella Reyes)

Motion carried.

**11:49 a.m.** General Counsel Jim Bransky requests Closed Session for Land update. No motion made. Report given.

**11:52 a.m.** End of report.

### **ADJOURNMENT**

**11:52 a.m. Motion** made by Councilor Fred Kiogima and supported by Legislative Leader Emily Proctor to adjourn.

Vote: 2 – Yes, 0 – No, 0 – Abstain, 1 – Absent (Treasurer Marcella Reyes)

Motion carried.

Next Regular Meeting Date:  
**Friday, March 6, 2020 at 9:00 a.m**